



# **PRESS NOTICE**

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**FOR IMMEDIATE RELEASE**

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#### **Court of Appeals Rules on Cockfighting Convictions**

**Columbia, South Carolina** ---- United States Attorney William N. Nettles stated today that the United States Court of Appeals for the Fourth Circuit issued two opinions relating to a series of cockfighting convictions obtained in federal court in 2010. A total of twenty-three individuals were federally indicted for cockfighting and operating an illegal gambling business. Of those twenty-three, six went to trial, and five other pled guilty while reserving several issues for appeal. The Fourth Circuit issued two rulings regarding those eleven total defendants:

1. United States v. Jeffrey Brian Gibert et. al.

Defendants were convicted of operating a cockfighting and illegal gambling operation in Lexington county. Five defendants who pled guilty, but reserved certain issues for appeal, were Michael Monroe Grooms, age 54, of Gilbert; Jeffrey Brian

Gibert, age 38, of Ninety Six; Gerald Benfield, age 57, of York; Gene Audry Jeffcoat, age 82, of Swansea; and John Carlton Thurman Hoover, age 39, of Pelion.

Defendants argued on appeal that the Animal Welfare Act, which in part prohibits cockfighting, was an unconstitutional Congressional exercise of the Commerce Clause. Defendant's argued that the cockfighting activity that was the subject of the indictments was local in nature, and beyond the scope of the Commerce Clause or Congressional regulation. The Court of Appeals disagreed, holding "that the animal fighting statute prohibits activities that substantially affect interstate commerce and, this, is a legitimate exercise of Congress' power under the Commerce Clause."

2. United States v. Scott Edward Lawson et. al.

Defendants were charged with the same cockfighting and illegal gambling as the defendants in U.S. v. Gibert. However, these defendant went to trial on their charges, and were convicted of all counts. Going to trial were James Morrow Collins, Jr., age 52, of Duncan; Sheri M. Hutto, age 48, and Wayne Hugh Hutto, age 60, both of Pelion; Nancy Elizabeth Dyal, age 52, of North; Leslie Wayne Peeler, age 41, of Gaffney; and, Scott Edward Lawson, age 41, of Laurens.

These defendant likewise challenged the constitutionality of the Animal Welfare act, as well as raising an issue regarding juror misconduct that was disclosed after trial, when it was discovered that a juror improperly looked up a definition on-line, and communicated it to some of the jurors during deliberations.

The Court held that “the animal fighting statute is a constitutional exercise of Congress’ power under the Commerce Clause”, as it had in U.S. v. Gibert. The Court further found that the juror’s referencing an on-line definition during trial constituted juror misconduct, and violated defendant’s right to a fair trial on the animal fighting charges. As a result, the Court granted defendants a new trial on the cockfighting charges. However, because the referenced definition did not relate to the illegal gambling convictions, those verdicts, as well as those for the conspiracy to operate an illegal gambling business, were not disturbed.

Although all defendants have been sentenced, some received an appeal bond that allowed them to remain free pending sentence. Now that their appeals have been heard, those convicted will now begin serving their sentences.

The case was investigated by Officers of the South Carolina Department of Natural Resources and the United States Department of Agriculture. Assistant U.S. Attorney Nathan S. Williams of the Charleston office prosecuted the case.

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